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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,888	09/17/2003	Xin Xue	SONY-26400	9089
Jonathan O. Ow	7590 12/17/200 /ens	8	EXAM	IINER
HAVERSTOCK & OWENS LLP 162 North Wolfe Road			BLAIR, DOUGLAS B	
Sunnyvale, CA			ART UNIT	PAPER NUMBER
•			2442	
			MAIL DATE	DELIVERY MODE
			12/17/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)			
Office Action Commons	10/666,888	XUE ET AL.			
Office Action Summary	Examiner	Art Unit			
	DOUGLAS B. BLAIR	2442			
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence ado	lress		
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	TE OF THIS COMMUNICATION 6(a). In no event, however, may a reply be tim ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	I. lely filed the mailing date of this cor (35 U.S.C. § 133).			
Status					
1)☑ Responsive to communication(s) filed on 11 De	ocombor 2008				
· <u> </u>	action is non-final.				
, <u> </u>		coaution as to the	morito io		
			ments is		
closed in accordance with the practice under <i>E.</i>	x parte Quayle, 1935 C.D. 11, 45	3 O.G. 213.			
Disposition of Claims					
4)⊠ Claim(s) <u>1-23 and 29-43</u> is/are pending in the a	polication.				
4a) Of the above claim(s) is/are withdraw					
5) Claim(s) is/are allowed.	m nom consideration.				
·					
6) Claim(s) is/are rejected.					
7) Claim(s) is/are objected to.					
8)⊠ Claim(s) <u>1-23 and 29-43</u> are subject to restriction	on and/or election requirement.				
Application Papers					
9) The specification is objected to by the Examiner					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correction			R 1.121(d).		
11) The oath or declaration is objected to by the Exa					
Priority under 35 U.S.C. § 119					
<u> </u>		(d) (f)			
12) Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119(a)	-(a) or (t).			
a) ☐ All b) ☐ Some * c) ☐ None of:					
1. Certified copies of the priority documents					
2. Certified copies of the priority documents	have been received in Application	on No			
3. Copies of the certified copies of the prior	ity documents have been receive	d in this National S	Stage		
application from the International Bureau	application from the International Bureau (PCT Rule 17.2(a)).				
* See the attached detailed Office action for a list of the certified copies not received.					
Attachment(s)					
1) Notice of References Cited (PTO-892)	4) Interview Summary	(PTO-413)			
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da	te			
3) Information Disclosure Statement(s) (PTO/SB/08) 5) Notice of Informal Patent Ap					
Paper No(s)/Mail Date	6)				

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DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-20 and 29-43, drawn to systems and a method for providing content from a server directly to a subscriber based on a version comparison (As shown in the embodiment of Figure 2B), classified in class 709, subclass 248.
- II. Claims 21-23, drawn to a system for providing a proxy which handles version comparisons between client devices and servers (As shown in the embodiment of Figures 3A and 3B), classified in class 709, subclass 248.

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination II has separate utility such as a proxy whereas subcombination I handles all communications directly without a proxy. See MPEP § 806.05(d).

The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the

present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above <u>and</u> there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

- (a) the inventions have acquired a separate status in the art in view of their different classification;
- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
- (d) the prior art applicable to one invention would not likely be applicable to another invention;
- (e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include

(i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an

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election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention.

If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS B. BLAIR whose telephone number is (571)272-3893. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Douglas B Blair/ Primary Examiner, Art Unit 2442